

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

AIRGAS USA, LLC

Case 09-CA-152301

and

STEVEN WAYNE ROTTINGHOUSE, JR.

**RESPONDENT'S MOTION TO STAY PROCEEDINGS PENDING
RESOLUTION OF RESPONDENT'S MOTION FOR RECONSIDERATION**

Respondent moves the National Labor Relations Board to stay proceedings in Case 09-CA-152301 pending resolution of Respondent's Motion for Reconsideration, filed concurrently with this Motion to Stay. Allowing Region 9 to proceed prior to resolution of Respondent's Motion for Reconsideration would be inefficient, waste government resources and potentially result in inconsistent factual and legal determinations. Moreover, the live controversy in this case highlights some of the risks inherent in the prosecutorial discretion afforded to the Regional Offices of the NLRB and thus requires resolution by the Board. Therefore, granting this Motion to Stay would promote judicial economy because the NLRB's ruling on Respondent's Motion for Reconsideration—and its potential further ruling on Region's 9's Motion for Default Judgement—could resolve all underlying legal issues. Finally, granting this Stay will not prejudice Region 9 in any manner as evidenced by the Fact that Region 9 filed the Motion for Default Judgment in this case on October 3, 2018 and

then failed to state its grounds for seeking relief in its subsequent Motion to Withdraw Motion for Default Judgment.

Therefore, for any one of several reasons, the National Labor Relations Board should grant Respondent's Motion to Stay Proceedings.

Respectfully submitted this 4th day of November, 2018

Airgas USA, LLC

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CERTIFICATE OF SERVICE

I certify that a copy of Respondent's Motion to Stay Proceedings was electronically served on all parties in the manner listed below:

Garey E. Lindsay (by E-Filing)
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Steven Wayne Rottinghouse (by Electronic Mail)
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DATED this 4th day of November, 2018

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